UNITED STATES PATENT AND TRADEMARK OFFICE

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10/555,273	11/02/2005	Shingo Matsumoto	125850	4432

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EXAMINER
RENWICK, REGINALD A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

1.   Claims 1, 2, 3, 4, 5, 14, 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Gilboa (U.S. Patent No. 5,853,327).

2.   **Re claims 1 and 16** : Gilboa discloses Game information for causing an apparatus similar

to a computer to function, the apparatus connected to an input system (column 7, lines 1-7), the

input system comprising: a tablet using an electromagnetic induction method (column 4, lines 4-

7; column 3, lines 54-65); and a formed object incorporating a coil for performing predetermined

communication using an electromagnetic induction method when placed on the tablet (column

20, lines 51-55), a memory for storing identification information on the formed object (column 4,

lines 15-29, column 11, lines 10-15) the apparatus obtains from the input system a placed

position and a direction on the tablet, and identification information on the formed object

(Abstract; column 7, lines 36-41; column 11, lines 10-15), wherein the apparatus is caused to

function as: a change detecting unit for detecting a change of the placed position and the

direction obtained from the input system (column 8, lines 37-59; column 12, lines 13-30); a

selecting unit for selecting character information corresponding to the identification information

obtained from the input system out of a plurality of character information, each of which

includes image information on a character imitating a figure of the formed object and is

associated with the identification information on the formed object (column 8, lines 20-30;

column 9, lines 32-39); a character control unit for disposing the character, imitating the figure

of the formed object placed on the tablet, in a game space according to the character information

selected by the selecting unit (column 9, lines 32-39), and for controlling motion and movement

of the character according to the change detected by the change detecting unit (column 9, lines

39-44); and an image generating unit for generating an image in the game space including the

character controlled by the character control unit (column 9, lines 39-44). The first amendment

made to the claim language which states "a correlating area setting unit for setting discretionarily

a size of a correlating area correlating with a placement detectable area on the tablet, and setting

a position of the correlating area in a game space" is adequately met by Gilboa in that when the a

particular formed object is placed on a certain place on the detectable area on the table wherein

the object's position in the correlating area is set accordingly in a discretionary manner (Fig.

2A-2E). The examiner also believes that Gilboa discloses the amended claim language of "a

character control unit for disposing the character, imitating the figure of the formed object in the

position of the correlating area correlating with the placed position of the formed object in the

placement detectable area according to the character information selected by the selecting unit"

(Fig. 2C). Furthermore, the Applicant states that "an image generating unit for generating an

image of the game space including the whole correlating area so that the character is displayed

regardless of where in the placement detectable area a player places the formed object."

However, the examiner believes that if a system can display the correlating area at a particular location where the object is detected by the detectable area, it would have been obvious for one skilled in the art to try to display the entire correlating area independent of where the formed object is located as it is only a matter of expanding the total shown correlating area. Gilboa discloses in Figures 2A-2E that formed objects at a certain position initiate an on-screen action within a preset area of the correlating unit. It would have been obvious to one skilled in the art to recognize that determining the preset area of the correlating unit can be easily expanded to incorporate the entire correlating unit as it is a manner of design choice and it does not add any functional limitations to the invention of Gilboa which displays the token representations.

Re claim 2: The game information as claimed in claim I, wherein the apparatus further functions as a correlating area setting unit for setting in the game space an area correlating with a placement detectable area on the tablet, and wherein the character control unit disposes the character, imitating the figure of the formed object placed on the tablet, at a position in the game space correlating with the placed position obtained from the input system with the direction obtained from the input system with reference to the area in the game space set by the correlating area setting unit (column 7, lines 64-67; column 8, lines 1-20).

Re claims 4: Gilboa fails to disclose that the correlating area setting unit comprises an area variable unit for making the size of the area in the game space variable, the area set correlating with the placement detectable area on the tablet Gilboa discloses a chess game board in which a

game is conducted, however there is no explicit disclosure that the game nor the game board is displayed on a computer related device. However, as discussed previously it is well known in the art to use a camera zoom method to manipulate the display screen to increase the size of the gaming area according to the placement of particular characters on the screen. Gilboa and "The Art of Fighting" in combination fail to specifically disclose a first and second variable unit, however within the game "The Art of Fighting" two size metrics, the height and width, of the screen are varied to encompass the player. To one skilled in the art, both metric variable units would be equivalent to the singular the game processor or the singular game displaying controller of the game unit. It would have been obvious to one skilled in the art to modify the game machine of Gilboa with variable units for modifying the display screen area to add a dynamic element to a game that adds for better visual appeal and gameplay.

Re claim 5: Gilboa discloses the area variable unit comprises a second variable unit for making the size of the area in the game space variable, the size set according to and corresponding to game progress wherein area variable unit is the computer processor (column 8, lines 36-50).

Re claim 14: Gilboa discloses computer memory of a processing unit that records and stores game information (column 14, lines 39-42).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa in view of Pepper Jr. (U.S. Patent No. 4,302,011).

Re claim 6: Although Gilboa discloses that the game pieces must be present on the invention

board in order for the video screen to display certain character information is displayed based on

the position of the game piece. However, Pepper Jr. discloses an electronic input tablet device for

use in a game circuitry where a player uses there finger to increasingly press down on the tablet

to "fire a weapon" at their opponent (column 4, lines 46-55; column 5, lines 35-49). Gilboa

describes a similar game, in which players fire bullets which appears on screen in accordance

with the position and orientation of the toy figure (column 8, lines 45-50). It would have been

obvious to one skilled in the art to incorporate the pressure sensing device of Pepper Jr. into the

game system of Gilboa for the purpose of controlling features of game devices.

5. Claim 7, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa in

view of Toshiyuki et al. (JP 2002-301264 A).

Re claims 7 and 17: Gilboa discloses game information for causing an apparatus similar to a

computer to function the apparatus connected to an input system (column 7, lines 1-7), the input

system comprising: a tablet using an electromagnetic induction method (column 4, lines 4-7;

column 3, lines 54-65); and a formed object incorporating a coil for performing predetermined

communication using an electromagnetic induction method when placed on the tablet (column

20, lines 51-55), a memory for storing identification information on the formed object (column 4,

lines 15-29, column 11, lines 10-15) the apparatus obtains from the input system a placed

position and a direction on the tablet, and identification information on the formed object

(Abstract; column 7, lines 36-41; column 11, lines 10-15), wherein the apparatus is caused to

function as: a change detecting unit for detecting a change of the placed position and the

direction obtained from the input system (column 8, lines 37-59; column 12, lines 13-30); a

selecting unit for selecting character information corresponding to the identification information

obtained from the input system out of a plurality of character information, each of which

includes image information on a character imitating a figure of the formed object and is

associated with the identification information on the formed object (column 8, lines 20-30;

column 9, lines 32-39); a character control unit for disposing the character, imitating the figure

of the formed object placed on the tablet, in a game space according to the character information

selected by the selecting unit (column 9, lines 32-39), and for controlling motion and movement

of the character according to the change detected by the change detecting unit (column 8, lines

37-45); and an image generating unit for generating an image in the game space including the

character controlled by the character control unit (column 8, lines 20-30; column 9, lines 32-39).

Gilboa fails to disclose the use of a playing card on the electronic tablet. However Toshiyuki et

al. discloses a card game device where players place cards onto an electronic tablet where the

cards are subsequently read and then used in a game (abstract). Because both Gilboa and

Toshiyuki et al. disclose game indicia, it is obvious to one skilled in the art to simply substitute

one game indicia for another for the purpose of displaying virtual game indicia that corresponds

to game indicia on a physical game board.

3.   The first amendment made to the claim language which states "a correlating area setting

unit for setting discretionarily a size of a correlating area correlating with a placement detectable

area on the tablet, and setting a position of the correlating area in a game space" is adequately

met by Gilboa in that when the a particular formed object is placed on a certain place on the

detectable area on the table wherein the object's position in the correlating area is set

accordingly in a discretionary manner (Fig. 2A-2E). The examiner also believes that Gilboa

discloses the amended claim language of "a character control unit for disposing the character,

imitating the figure of the formed object in the position of the correlating area correlating with

the placed position of the formed object in the placement detectable area according to the

character information selected by the selecting unit" (Fig. 2C). Furthermore, the Applicant states

that "an image generating unit for generating an image of the game space including the whole

correlating area so that the character is displayed regardless of where in the placement detectable

area a player places the formed object." However, the examiner believes that if a system can

display the correlating area at a particular location where the object is detected by the detectable

area, it would have been obvious for one skilled in the art to try to display the entire correlating

area independent of where the formed object is located as it is only a matter of expanding the

total shown correlating area. Gilboa discloses in Figures 2A-2E that formed objects at a certain

position initiate an on-screen action within a preset area of the correlating unit. It would have

been obvious to one skilled in the art to recognize that determining the preset area of the

correlating unit can be easily expanded to incorporate the entire correlating unit as it is a manner

of design choice and it does not add any functional limitations to the invention of Gilboa which

displays the token representations.

Re claim 15: Gilboa discloses computer memory of a processing unit that records and stores

game information (column 14, lines 39-42).

6. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa in view of

Watson et al. (U.S. Patent No. 5,821,916).

Re claims 8 and 10: Gibloa discloses that the position of where the game indicia is located on

the game tablet (Abstract), but does not disclose a continuous movement of game indicia across

the game tablet corresponding with continuous movement of the display screen. However,

Watson et al. discloses a digitizer tablet that comprises of a stylus, which the user uses to write

on the tablet display that directly corresponds with the movement of a cursor on a display that

illustrates the handwriting of the user (column 1, lines 40-52). Therefore because of the

relationship between the digitizer tablet and the computer system, the processor will always

recognize the speed of the stylus that is being moved across the game tablet and display the

speed of the cursor on the display screen to be directly proportional to the speed of stylus on the

tablet. Furthermore handwriting inherently contains many turns, which Watson displays in a path

created on the monitor after a user has written on the tablet. Here the image-generating unit is the

computer and the image generated in the space is the pen dot or cursor. It is known in the art that

operating systems for tablet computer platforms use digitizer pens for controlling the movement

of cursor on a display screen. It would have been obvious to try use the known technique of

moving a virtual object in correlation with a physical object based on the speed and turns of the

physical objects movement as disclosed by Watson et al. in the game machine of Gilboa to

improve on the movement of game indicia of Gibloa which would achieve the predictable result

of continuously moving virtual game indicia in accordance with the continuous movement of

their physical counterparts.

Re claims 9 and 11: Gibloa discloses that the position of where the game indicia is located on

the game tablet (Abstract), but does not disclose a continuous movement of game indicia across

the game tablet corresponding with continuous movement of the display screen. However,

Watson et al. discloses a digitizer tablet that comprises of a stylus, which the user uses to write

on the tablet display that directly corresponds with the movement of a cursor on a display that

illustrates the handwriting of the user (column 1, lines 40-52). Therefore because of the

relationship between the digitizer tablet and the computer system, the processor will always

recognize the speed of the stylus that is being moved across the game tablet and display the

speed of the cursor on the display screen to be directly proportional to the speed of stylus on the

tablet. Furthermore handwriting inherently contains many turns, which Watson displays in a path

created on the monitor after a user has written on the tablet. Here the image-generating unit is the

computer and the image generated in the space is the pen dot or cursor. It is known in the art that

operating systems for tablet computer platforms use digitizer pens for controlling the movement

of a cursor on a display screen. It would have been obvious to try use the known technique of

moving a virtual object in correlation with a physical object based on the speed and turns of the

physical objects movement as disclosed by Watson et al. in the game machine of Gilboa to

improve on the movement of game indicia of Gilboa which would achieve the predictable result

of continuously moving virtual game indicia in accordance with the continuous movement of

their physical counterparts. The Applicant has amended the claim language of claims 11-13 to

incorporate the display in the correlating area to perform a predetermined action. However,

Gilboa discloses that the tokens are displayed on the screen to perform a predetermined action

such as talking to one another or flying (column 8, lines 13-24).

7. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa in view

of Wang et al. (U.S. Patent 7,133,031).

Re claims 12 and 13: Gilboa discloses that the game machine records and outputs information

based on the location of the game object at a given point on the map such as storing the position

of the game objects when located near a pond or a house, the game records that location and

outputs information based on stored information from the game object. Gilboa does not explicitly

disclose that that the previous positions or path of the game pieces are recorded nor that the game

controls motion and movement of the character based on the path detected by the path detecting

unit. However, Wang et al. discloses a computer system a system that controls the motion

movement of electronic ink displayed on a screen based upon the moving path of a digitizer pen

through a maze (column 15, lines 19-67; column 16, lines 1-10). It would have been obvious to

try use the known technique of moving a virtual object in correlation with a physical object

based on the speed and turns of the physical objects movement as disclosed by Wang et al. in the

game machine of Gilboa to improve on the movement of game indicia of Gibloa which would

achieve the predictable result of continuously moving virtual game indicia in accordance with

the continuous movement of their physical counterparts. The Applicant has amended the claim

language of claims 11-13 to incorporate the display in the correlating area to perform a

predetermined action. However, Gilboa discloses that the tokens are displayed on the screen to

perform a predetermined action such as talking to one another or flying (column 8, lines 13-24).

Response to Arguments

4.   Applicant's arguments filed 07/23/2008 have been fully considered but they are not

persuasive. The examiner has read the Applicant's arguments and first must provide clarity to the

Applicant's statements regarding the interview that took place. First, there was **no agreement** as

to whether a zoom feature is equivalent to a correlating unit as the Interview Summary

maintains, and the examiner maintains his stance that a zoom feature is indeed equivalent to a

correlating unit as described by the Applicant within the claim language of the previous

rejection. The Applicant has chosen to remove the previous explanation of a correlating area

setting unit from the claim language that warranted the previous rejection using "The Art of

Fighting," however the new claim language are once again met by Gilboa. The first amendment

made to the claim language which states "a correlating area setting unit for setting discretionarily

a size of a correlating area correlating with a placement detectable area on the tablet, and setting

a position of the correlating area in a game space" is adequately met by Gilboa in that when the a

particular formed object is placed on a certain place on the detectable area on the table wherein

the object's position in the correlating area is set accordingly in a discretionary manner (Fig.

2A-2E). The examiner also believes that Gilboa discloses the amended claim language of "a

character control unit for disposing the character, imitating the figure of the formed object in the

position of the correlating area correlating with the placed position of the formed object in the

placement detectable area according to the character information selected by the selecting unit"

(Fig. 2C). Furthermore, the Applicant states that "an image generating unit for generating an image of the game space including the whole correlating area so that the character is displayed regardless of where in the placement detectable area a player places the formed object." However, the examiner believes that if a system can display the correlating area at a particular location where the object is detected by the detectable area, it would have been obvious for one skilled in the art to try to display the entire correlating area independent of where the formed object is located as it is only a matter of expanding the total shown correlating area. Gilboa discloses in Figures 2A-2E that formed objects at a certain position initiate an on-screen action within a preset area of the correlating unit. It would have been obvious to one skilled in the art to recognize that determining the preset area of the correlating unit can be easily expanded to incorporate the entire correlating unit as it is a manner of design choice and it does not add any functional limitations to the invention of Gilboa which displays the token representations.

5.   Lastly the Applicant has amended the claim language of claims 11-13 to incorporate the display in the correlating area to perform a predetermined action. However, Gilboa discloses that the tokens are displayed on the screen to perform a predetermined action such as talking to one another or flying (column 8, lines 13-24).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to REGINALD A. RENWICK whose telephone number is

(571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM,

Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit
3714

11/14/2008
RR